

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LAUREN E. McWATERS,)
)
Plaintiff,)
)
v.) CASE NO. 2:18-CV-103-WKW
)
MICHELLE HART)
THOMASON, Judge,)
)
Defendant.)

ORDER

On March 4, 2019, the Magistrate Judge filed a Recommendation to which no timely objections have been made. (Doc. # 9.) Upon an independent review of the record and consideration of the Recommendation, it is ORDERED that the Recommendation (Doc. # 9) is ADOPTED and that Plaintiff's complaint (Doc. # 1) is DISMISSED with prejudice as barred by the statute of limitations.¹

Final judgment will be entered separately.

DONE this 29th day of March, 2019.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

¹ The Recommendation does not state whether dismissal should be with or without prejudice. But it does recommend dismissal because the applicable statute of limitations bars Plaintiff's action, and such a dismissal "is a decision on the merits for *res judicata* purposes." *Mathis v. Laird*, 457 F.2d 926, 927 (5th Cir. 1972). Moreover, an involuntary dismissal is automatically assumed to be with prejudice under Rule 41(b). See Fed. R. Civ. P. 41(b) (stating that unless the order states otherwise, an involuntary dismissal "operates as an adjudication on the merits").